

DETAILED ACTION

1. This communication is a First Action Non-Final on the merits. Claims 1-11, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2, 5-7, 9-10, 13, 18, 20-21, 23-26, 28-29, 32, 34-35, 37-38, 40-43, 45-46, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Mullin, James and Mullin, Arthur - Year-Round Auto Show (August 1996), hereafter Mullin.**

As per claim 1, Mullin teaches a method for preparing a manufacturer's depot exhibition space, comprising in the steps of:

acquiring a real property right to a structure to provide said manufacturer's depot exhibition space in a specific location, wherein said real property right includes a leasing right or an ownership right; (p. 2, ¶ 7 explains that the dealer, an agent of the manufacturer, must rent the property, therefore some other entity must have acquired the property with a leasing right);

contracting an agreement with a plurality of manufacturers, said agreement including a lease of an exhibition space within said manufacturer's depot exhibition space to provide a unique exhibition space, wherein said lease includes a term greater than a bi-monthly term. (p. 1, ¶ 5, talks about the 38 potential manufacturers that could make up the auto park, p. 2, ¶ 7, discusses payment of rent implying the presence of a lease, further Mullin, p. 1, ¶ 9, explains that

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the auto mall is intended to be a “year-round auto show”, meaning the lease will be greater than a bi-monthly term);

customizing said exhibition space to provide said plurality of manufactures with a permanent location to showcase and sell a product, wherein said product is relative to each of said plurality of manufacturers; (one example of customization that Mullin teaches is naming roads within the exhibition space fun names such as "Piston Parkway" or "Test Drive", p. 4, ¶ 6, in Mullin, the relative product is the automobile)

billing said plurality of manufacturers a membership fee (where the rent, p. 2 ¶ 7, is construed to be a membership fee, allowing the manufacturer to become a member of the auto mall);

establishing a storage space to provide said plurality of manufacturers with a product storage; (p. 3, ¶s 7-9 discuss lot size, which, in the case of an auto mall, is storage space for product storage); and

advertising said manufacturer’s depot exhibition space. (p. 4, ¶ 6 describes the marketing of the exhibition space).

As per claim 2, Mullin teaches the method further comprising the step of surveying said plurality of manufacturers for an information packet relating to said product. (p. 3, ¶ 1, explains demographic research, construed to be survey data, that is used in a presentation package, construed to be an information packet).

As per claim 5, Mullin teaches the method further comprising the step of assisting said plurality of manufacturers with a product display design. (via “marketing with a sense of fun” where the marketing strategy is construed to include the product display design, p. 4, ¶ 6).

As per claim 6, Mullin teaches the method wherein the step of assisting said plurality of manufacturers includes developing a product via a market feedback and a product of demand. (one example in Mullin of using market feedback and product demand for developing a product is that "Six out of 10 buyers never purchase a new vehicle, so a successful used car department directly contributes to the dealer's profit", Mullin further explains that the product selection will reflect said market feedback, p. 4, ¶ 2).

As per claim 7, Mullin teaches the method further comprising the step of assisting said plurality of manufacturers in participating in other trade shows and conventions throughout North America. (via "providing the consumer with the benefits of a 'year-round auto show'", where it is inherent that by being in a constant trade show environment, manufacturers would derive some benefit for future trade shows).

As per claim 9, Mullin teaches the method wherein said product is said plurality of manufacturers' most recent product. (This is inherent as auto manufacturers update their product line each year and place the new models prominently on display upon their release at each of their retailers).

As per claim 10, Mullin teaches the method wherein said specific location includes a location taken from the group consisting of: major metropolitan cities, town, municipalities, neighborhoods and zoned areas. (via development in cities, p. 3, ¶ 4).

As per claim 13, Mullin discloses the method wherein said product is made in Asia. (via the 38 manufacturers that sell their product in the United States, p. 1, ¶ 5, inherently included in these 38 manufacturers are Asian manufacturers such as Toyota and Honda).

As per claim 18, Mullin discloses the method for preparing a manufacturer's depot exhibition space, comprising the steps of:

surveying a plurality of manufacturers to provide a detailed account of a manufacturer's business, wherein said manufacturer's business includes information corresponding to a product; (p. 3, ¶ 7 explains that the "development size is a direct result of research", inherent in this research is survey of the manufacturer's business corresponding to a product, if this information was not known lot size could not be properly determined per p. 3 ¶ 8);

contracting an agreement with said plurality of manufacturers, said agreement including a lease of a unique exhibition space corresponding respectively to each of said plurality of manufacturers; (p. 1, ¶ 5, talks about the 38 potential manufacturers that could make up the auto park, p. 2, ¶ 7, discusses payment of rent implying the presence of a lease, p. 4 ¶ 6 demonstrates how the exhibition space will be unique);

customizing said unique exhibition space to provide said plurality of manufacturers with a permanent location to showcase and sell said product; and (p. 1, ¶ 9, explains that the auto mall is intended to be a "year-round auto show", meaning it will be permanent and p. 4 ¶ 6 demonstrates how the exhibition space will be unique);

showcasing said product corresponding respectively to each of said plurality of manufacturers on a permanent basis. (p. 1, ¶ 9, explains that the auto mall is intended to be a "year-round auto show", meaning it will be permanent and comparing it to an auto show implies that their will be product showcases);

As per claim 20, Mullin teaches the method further comprising the step of establishing a storage space to provide said plurality of manufacturers with product storage. (p. 4, ¶ 2 explains the need for storage space and a potential arrangement).

As per claim 21, Mullin teaches the method further comprising the step of advertising said manufacturer's depot exhibition space. (p. 4, ¶ 6 describes the marketing of the exhibition space).

As per claim 23, Mullin teaches the method further comprising the step of billing said plurality of manufacturers a membership fee. (Where the rent, p. 2 ¶ 7, is construed to be a membership fee, allowing the manufacturer to become a member of the auto mall).

As per claim 24, Mullin teaches the method further comprising the step of assisting said plurality of manufacturers with a product display design. (via "Entrance monuments" that coordinate with signage, p. 4, ¶ 6).

As per claim 25, Mullin teaches the method wherein the step of assisting said plurality of manufacturers includes developing a product via a market feedback and a product demand. (one example in Mullin of using market feedback and product demand for developing a product is that "Six out of 10 buyers never purchase a new vehicle, so a successful used car department directly contributes to the dealer's profit", Mullin further explains that the product selection will reflect said market feedback, p. 4, ¶ 2).

As per claim 26, Mullin teaches the method further comprising the step of assisting said plurality of manufacturers in participating in other trade shows and conventions throughout North America. (via "providing the consumer with the benefits of a 'year-round auto show'",

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where it is inherent that by being in a constant trade show environment, manufacturers would derive some benefit for future trade shows).

As per claim 28, Mullin teaches the method wherein said product is said plurality of manufacturers' most recent product. (This is inherent as auto manufacturers update their product line each year and place the new models prominently on display upon their release at each of their retailers).

As per claim 29, Mullin teaches the method wherein said manufacturer's depot exhibition space is located in a location taken from the group consisting of: major metropolitan cities, town, municipalities, neighborhoods and zoned areas. (via development in cities, p. 3, ¶ 4).

As per claim 32, Mullin discloses the method wherein said product is made in Asia. (via the 38 manufacturers that sell their product in the United States, p. 1, ¶ 5, inherently included in these 38 manufacturers are Asian manufacturers such as Toyota and Honda).

As per claim 34, Mullin discloses a method for preparing a manufacturer's depot exhibition space, comprising the steps of:

leasing to a plurality of manufacturers a unique exhibition space corresponding respectively to each of said plurality of manufacturers to provide a long term exhibition space, wherein said leasing includes a lease term greater than 29 days; (p. 1, ¶ 5, talks about the 38 potential manufacturers that could make up the auto park, p. 2, ¶ 7, discusses payment of rent implying the presence of a lease and based upon the permanent nature of the auto-park it is inherent that the lease must be greater than 29 days, p. 4 ¶ 6 demonstrates how the exhibition space will be unique);

customizing said unique exhibition space to provide said plurality of manufacturers with said long term exhibition space to showcase and sell a product, wherein said product corresponds respectively to each of said plurality of manufacturers; (p. 4 ¶ 6 demonstrates how the exhibition space will be unique and customized, the corresponding product for all of the manufacturers is the automobile);

showcasing said product; (p. 1, ¶ 9, explains that the auto mall is intended to be a “year-round auto show” implying that that product will be showcased); and

selling said product. (this step is inherent in all auto dealerships).

As per claim 35, Mullin teaches the method further comprising the step of surveying said plurality of manufacturers to provide a detailed account of a manufacturer’s business, wherein said manufacturer’s business includes information corresponding to a product; (p. 3, ¶ 7 explains that the "development size is a direct result of research", inherent in this research is survey of the manufacturer's business corresponding to a product, if this information was not known lot size could not be properly determined per p. 3 ¶ 8).

As per claim 37, Mullin teaches the method further comprising the step of establishing a storage space to provide said plurality of manufacturers with a product storage; (p. 3, ¶'s 7-9 discuss lot size, which, in the case of an auto mall, is storage space for product storage).

As per claim 38, Mullin teaches the method further comprising advertising said manufacturer’s depot exhibition space. (p. 4, ¶ 6 describes the marketing of the exhibition space).

As per claim 40, Mullin teaches the method further comprising the step of billing said plurality of manufacturers a membership fee (where the rent, p. 2 ¶ 7, is construed to be a membership fee, allowing the manufacturer to become a member of the auto mall).

As per claim 41, Mullin teaches the method further comprising the step of assisting said plurality of manufacturers with a product display design. (via “marketing with a sense of fun” where the marketing strategy is construed to include the product display design, p. 4, ¶ 6).

As per claim 42, Mullin teaches the method wherein the step of assisting said plurality of manufacturers includes developing a product via a market feedback and a product of demand. (one example in Mullin of using market feedback and product demand for developing a product is that "Six out of 10 buyers never purchase a new vehicle, so a successful used car department directly contributes to the dealer's profit", Mullin further explains that the product selection will reflect said market feedback, p. 4, ¶ 2).

As per claim 43, Mullin teaches the method further comprising the step of assisting said plurality of manufacturers in participating in other trade shows and conventions throughout North America. (via "providing the consumer with the benefits of a ‘year-round auto show’”, where it is inherent that by being in a constant trade show environment, manufacturers would derive some benefit for future trade shows).

As per claim 45, Mullin teaches the method wherein said product is said plurality of manufacturers' most recent product. (This is inherent as auto manufacturers update their product line each year and place the new models prominently on display upon their release at each of their retailers).

As per claim 46, Mullin teaches the method wherein said specific location includes a location taken from the group consisting of: major metropolitan cities, town, municipalities, neighborhoods and zoned areas. (via development in cities, p. 3, ¶ 4).

As per claim 49, Mullin discloses the method wherein said product is made in Asia. (via the 38 manufacturers that sell their product in the United States, p. 1, ¶ 5, inherently included in these 38 manufacturers are Asian manufacturers such as Toyota and Honda).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullin in view Council Bill (City of Champaign – Report to City Council 8/27/2002).**

As per claim 3, Mullin fails to explicitly disclose the method further comprising the step of selling said product on a wholesale basis from said plurality of manufacturers to a buyer.

Council Bill, in the same field of endeavor as Mullin (automobile sales) teaches the wholesale purchase of police vehicles (p. 3, #3). The chart on pages 2 and 3 further demonstrates purchasing from a plurality of manufactures. From the teachings of the Council Bill, it would have been obvious to one skilled in the art to combine the wholesale method with the exhibition space of Mullin. Motivation to combine the prior teaches is reduced cost for the purchaser and increased sales for the respective manufacturers.

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6. **Claims 4, 8, 11-12, 14-17, 19, 22, 27, 30-31, 33, 36, 39, 44, 47-48, and, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullin in view of Examiner's Official Notice.**

As per claims 4, 19, and 36, Mullin fails to explicitly disclose the method further comprising the step of offering to said plurality of manufacturers accommodations, food, and travel arrangements within the United States. However, Examiner takes Official Notice that it is old and well known in the art of business to offer accommodations, food, and travel arrangements to business associates traveling within the United States. It would have been obvious to one skilled in the art to offer such services to their associates. Motivation for providing such services includes increased satisfaction about business relations and an increased likelihood of future dealings.

As per claim 8, 27, and 44, Mullin does not explicitly disclose the method wherein said plurality of manufacturers includes at least a group of 50 manufacturers. Mullin does teach that all auto manufacturers that can in be an automotive park. Examiner takes Official Notice that in other manufacturing industries, such as furniture, there are in excess of 50 manufacturers. Based upon Examiner's Official Notice, it would have been obvious to one skilled in the art to combine the totality of manufacturers in another industry with the exhibition space taught by Mullin. Motivation to include all manufacturers of the industry in one location furthers the goal of one stop shopping.

As per claims 11, 30 and 47, Mullin does not explicitly disclose the term of said lease is at least a month. Examiner takes Official Notice that it is old and well known in the art of retailing to have lease terms of at least one year. It would have been obvious to one skilled in the

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art to have lease terms of at least one year with the exhibition space taught by Mullin.

Motivation to have a lease of at least one year is a longer guaranteed relationship between the leaser and the lessee.

As per claims 12, 31, and 48, Mullin does not explicitly disclose the term of said lease is at least a year. Examiner takes Official Notice that it is old and well known in the art of retailing to have lease terms of at least one year. It would have been obvious to one skilled in the art to have lease terms of at least one year with the exhibition space taught by Mullin. Motivation to have a lease of at least one year is a longer guaranteed relationship between the leaser and the lessee.

As per claim 14, 33, and 50, Mullin does not explicitly disclose the method wherein said product is made in China. Examiner takes Official Notice that it is old in well known in the art of manufacturing that numerous manufactures are located in China. It would have been obvious to one skilled in the art to include Chinese manufacturers in the exhibition space taught by Mullin. Motivation to include Chinese manufacturers is that the goal of a one stop shopping location is furthered by their inclusion.

As per claim 15, Mullin does not explicitly disclose the method wherein said membership fee is at least a monthly membership fee. Mullin does teach a membership fee (where the rent, p. 2 ¶ 7, is construed to be a membership fee, allowing the manufacturer to become a member of the auto mall). Examiner takes Official Notice that it is old and well known in the art of rent and membership fees to collect these fees on a monthly basis. It would have been obvious to one skilled in the art to collect fees on a monthly basis with the exhibition

space taught by Mullin. Motivation to collect fees on a monthly basis is to remain consistent with standard industry practices and have a consistent form of billing.

As per claim 16, Mullin does not explicitly disclose the method wherein said membership fee is an annual membership fee. Mullin does teach a membership fee (where the rent, p. 2 ¶ 7, is construed to be a membership fee, allowing the manufacturer to become a member of the auto mall). Examiner takes Official Notice that it is old and well known in the art of rent and membership fees to collect these fees on an annual basis. It would have been obvious to one skilled in the art to collect fees on an annual basis with the exhibition space taught by Mullin. Motivation to collect fees on an annual basis is to remain consistent with standard industry practices and have a consistent form of billing.

As per claims 17, 22, and 39, Mullin does not explicitly disclose the method wherein advertising said manufacturer's depot exhibition space includes the step of advertising in a local media including newspaper, television, film print and radio. Mullin does disclose advertising said manufacturer's depot exhibition space. (p. 4, ¶ 6 describes the marketing of the exhibition space). Examiner takes Official Notice that it is old and well known in the art of advertising to utilize local media such as the newspaper, television, film, print, and radio. It would have been obvious to one skilled in the art to advertise the exhibition space taught by Mullin with local media including newspaper, television, film print and radio. Motivation to use such advertisements is to increase business and generate more income.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. LUX whose telephone number is (571)270-5104. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mpl

/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4127